

Appl. No. 09/910,141
Amtd. Dated November 12, 2003
Reply to Final Office Action of June 16, 2003

REMARKS/ARGUMENTS

Applicants express their thanks to Examiners Habte and Berch for conducting a telephonic discussion and appreciate the helpful suggestions provided by the Examiner. Applicants believe the claims presented herein now place this Application in condition for allowance.

Claims 1-9, and 13-16 remain in this application. Claims 1-4 and 7-9 were amended. Claims 10-12 were cancelled. Claims 15-16 were added. Thus, the total number of pending claims has not been changed since the final Office Action.

In the advisory action mailed September 26, 2003, the amendment filed on September 16, 2003 was deemed not to place the application in condition for allowance because of a "negative proviso" appearing in the amendment which would have included new matter.

The amendment submitted herein does not have a "negative proviso" and does not include new matter. The subject matter previously encompassed by claim 1 has been included in claim 1 as currently amended along with new claim 15. Claim 15 does not include an alkoxy substituent as an option for the aryl-alkyl group R₄. Further, the subject matter previously encompassed by claim 3 has been included in claim 3 as currently amended and new claim 16 to accommodate this change.

The claims as currently amended are in condition for allowance and are not anticipated by Sugihara et al. (US Pat. No. 4,937,246).

Conclusion:

Based on the foregoing amendments and remarks, favorable consideration and allowance of all of the claims now present in the application are respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place the case in

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condition for final allowance, then it is respectfully requested that such amendment or correction be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, the Examiner is invited to telephone the undersigned.

The Commissioner is authorized to charge any required fees, including any extension and/or excess claim fees, any additional fees, or credit any overpayment, to Goodwin Procter LLP Deposit Account No. 06-0923.

Respectfully submitted for Applicants,



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